

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDIN A. CHACON,  
Plaintiff,

v.

D. GALLIAN, sergeant; et al.,  
Defendants

No. C 05-4880 SI (pr)

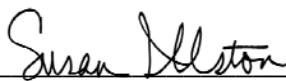
**ORDER DISMISSING DEFENDANTS  
GRAHAM AND PEARCY**

Pursuant to the oral stipulation of the parties during the bench trial of this action, defendants Lisa Graham and Evelyn Percy are dismissed from this action.

The court notes with dismay that these defendants remained in the action so long. Had the case been promptly investigated by defense counsel, she could have learned that neither of these defendants was at work at Pelican Bay at the times alleged by plaintiff and could have moved for summary judgment or sought a stipulated dismissal as long as two years ago.

IT IS SO ORDERED.

Dated: December 22, 2008

  
SUSAN ILLSTON  
United States District Judge